

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**David Catanzaro,**

:

**Plaintiff,**

:

**Case No. 1:13-cv-00996**

**v.**

:

**Judge Polster**

**Seaman Garson LLC/LLP, et al.,**

:

**Magistrate Judge White**

**Defendants.**

:

**RULE 26(f) REPORT OF PARTIES**

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.3(b)(3), a meeting was held on October 21, 2013, and was attended by the following counsel:

- Barton R. Keyes for plaintiff David Catanzaro;
- Shane A. Lawson for defendants Seaman Garson and James DeRoche; and
- Thomas S. Mazanec for defendant Wayne Porter.

2. The parties:

       have not been required to make initial disclosures.

X have exchanged the pre-discovery disclosures required by Fed.R.Civ.P. 26(a)(1) and the Court's prior order, or will exchange them by October 29, 2013;

3. The parties recommend the following track:

Plaintiff believes that the Court should assign the case to the complex track. Defendants believe that the Court should assign the case to the standard track. The parties have been unable to agree on this issue. Because of this disagreement, the parties present their respective case schedule recommendations below.

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:

- |                          |                           |                                     |                     |                          |             |
|--------------------------|---------------------------|-------------------------------------|---------------------|--------------------------|-------------|
| <input type="checkbox"/> | Early Neutral Evaluation  | <input checked="" type="checkbox"/> | Mediation           | <input type="checkbox"/> | Arbitration |
| <input type="checkbox"/> | Summary Jury Trial        | <input type="checkbox"/>            | Summary Bench Trial |                          |             |
| <input type="checkbox"/> | Case not suitable for ADR |                                     |                     |                          |             |

5. The parties do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. §636(c).

6. The parties agree that this case does not involve electronic discovery.

7. Recommended Discovery Plan (Counsel are reminded to review the default standard for e-discovery set forth in Appendix K to the Local Rules):

(a) Describe the subjects on which discovery is to be sought, the nature and extent of discovery and any potential problems:

Plaintiff David Catanzaro intends to conduct discovery on all aspects of his claims and the defendants' defenses through the use of interrogatories, requests for admission, document requests, and depositions.

Defendant Wayne Porter intends to conduct discovery on all aspects of his claims and the defendants' defenses through the use of interrogatories, requests for admission, document requests, and depositions.

Defendants James DeRoche and Seaman Garson intend to conduct discovery on all aspects of their defenses and the Plaintiff's claims through the use of written discovery and depositions. This includes, but is not limited to, the issuance and maintenance of the patents at issue, Plaintiff's execution and filing of the applicable terminal disclaimer letter, all pertinent issues relating to the underlying litigation and the representation provided to Plaintiff therein, and Plaintiff's claimed damages.

(b) Describe anticipated e-discovery issues (i.e., what ESI is available and where it resides; ease/difficulty and cost of producing information; schedule and format of production; preservation of information; agreements about privilege or work-production protection, etc.):

The parties anticipate that discovery of electronic information will focus on emails and electronic documents in the parties' respective possessions. True "e-discovery"—in the sense of restoring complex electronic databases or similar technologically intensive efforts—is likely unnecessary. As such, the parties do not anticipate any e-discovery difficulties at this time. The parties plan to address formatting or other issues if and when they arise.

(c) Describe handling of expert discovery (i.e., timetable for disclosure of names and exchange of reports, depositions):

The parties suggest that the plaintiff disclose his experts and produce their reports within a set time after the close of fact discovery, and that the defendants disclose their experts and produce their reports within a set time after the plaintiff's disclosure and reports.

(d) Discovery Deadlines:

(i) Liability: N/A

(ii) Damages: N/A

Rather than having separate liability and damages discovery deadlines, the parties propose fact discovery and expert discovery deadlines.

Fact discovery deadline: Plaintiff's proposal: August 1, 2014  
Defendants' proposal: February 15, 2014

Plaintiff's expert disclosures and reports due: Plaintiff's proposal: September 15, 2014  
Defendants' proposal: March 15, 2014

Defendants' expert disclosures and reports due: Plaintiff's proposal: October 30, 2014  
Defendant's proposal: April 15, 2014

Deadline to conduct expert depositions: Plaintiff's proposal: December 5, 2014  
Defendants' proposal: June 1, 2014

8. Recommended dispositive motion date: Plaintiff's proposal: January 9, 2015  
Defendants' proposal: June 1, 2014

9. Recommended cut-off for amending the pleadings and/or adding additional parties: February 28, 2014
10. Recommended date for status hearing and/or final pretrial settlement conference: Approximately 60 days after the dispositive motion deadline.

11. Other matters for the attention of the Court:

Although the Civil Cover Sheet identified this case as involving a patent dispute, the plaintiff's claims are for legal malpractice, not patent infringement. The parties do not believe that the Local Patent Rules should apply to this case. The defendants reserve their rights to assert any patent-related defenses.

Respectfully submitted,

/s/ Barton R. Keyes

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